

CANADA, GOVT OF

REGULATIONS

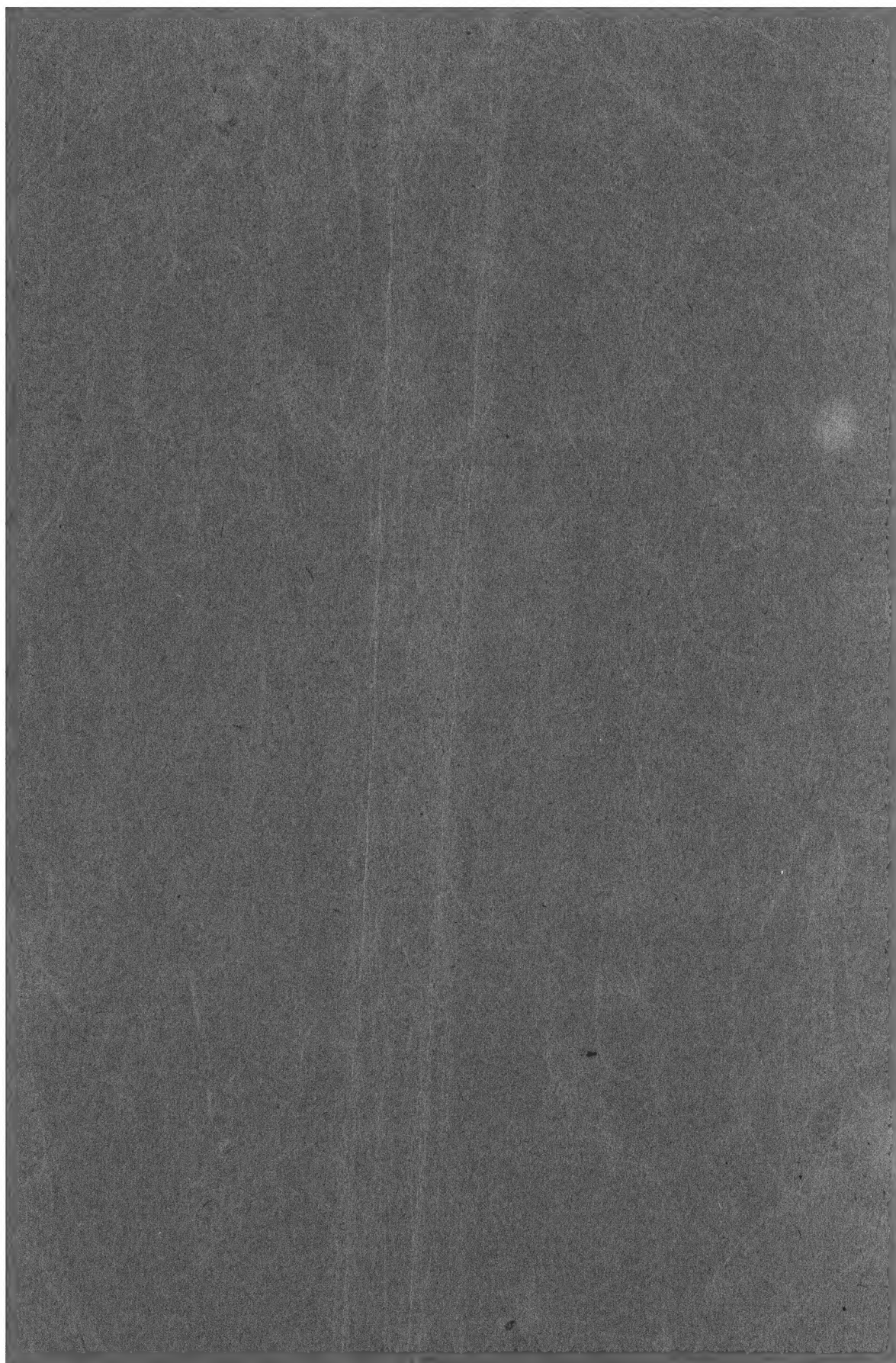
RESPECTING

GRAZING LANDS

IN

THE PROVINCES OF MANITOBA, SASKATCHEWAN, ALBERTA
AND IN THE PEACE RIVER TRACT AND THE RAILWAY
BELT IN THE PROVINCE OF BRITISH COLUMBIA

OTTAWA
GOVERNMENT PRINTING BUREAU
1915



REGULATIONS

RESPECTING

GRAZING LANDS

INSTRUCTIONS FOR MAKING APPLICATION FOR A GRAZING LEASE OF LANDS IN MANITOBA, SASKATCHEWAN, ALBERTA AND THE PEACE RIVER TRACT IN BRITISH COLUMBIA.

An application must be made on the proper form and sent direct to the Agent of Dominion Lands for the district in which the lands applied for are situated, and must be accompanied by the first six months' rent in advance, calculated at the rate of two cents per acre per annum. The affidavit on the back of the application form must be properly completed before the application is sent to the Agent. On receipt of the application the Agent will reserve the available lands applied for temporarily, provided the applicant is eligible under the Regulations for a lease and the application is in proper form, and will forward the application to the Controller of the Timber and Grazing Lands Branch at Ottawa for consideration. The applicant will be further advised in due course by the Controller. Forms of application may be obtained from any Agent of Dominion Lands or from the Timber and Grazing Lands Branch, Department of the Interior, Ottawa.

OTTAWA
GOVERNMENT PRINTING BUREAU
1915

REGULATIONS

RESPECTING

GRAZING LANDS

IN

**THE PROVINCES OF MANITOBA, SASKATCHEWAN, ALBERTA
AND IN THE PEACE RIVER TRACT AND THE RAILWAY
BELT IN THE PROVINCE OF BRITISH COLUMBIA**

**OTTAWA
GOVERNMENT PRINTING BUREAU
1915**



REGULATIONS

**Respecting Grazing Lands in the Provinces of Manitoba, Alberta, Saskatchewan,
and the Peace River Tract in British Columbia.**

(Established by Order in Council dated 16th February, 1914.)

LEASES FOR GRAZING ON DOMINION LANDS.

(1) Grazing leases of vacant Dominion Lands unfit for agricultural purposes in the Provinces of Manitoba, Saskatchewan and Alberta, and in the Peace River tract in the Province of British Columbia controlled by the Dominion Government, may be issued to British subjects by birth, naturalization or repatriation, covering a period of ten years. The lands covered shall not be open to settlement during the continuance of the lease. Companies making application for leases must show that they are incorporated under the laws of the Dominion of Canada, or under the laws of any province of the Dominion. In the granting of leases, preference shall be given applicants who own adjoining lands.

(2) No person or company shall be permitted to hold under lease, by original grant or by assignment, more than 12,000 acres.

(3) Upon an application being received for a grazing lease, accompanied by the rental for six months, the lands applied for if available shall be withdrawn from homestead and pre-emption entry, pending inspection, and until such time as it is decided to grant or refuse a lease. No application will be entertained unless accompanied by the rental, as herein stated.

(4) The holder of an unpatented homestead, which upon examination by the Inspector of Ranches or other officer of the Department is found unfit for agricultural purposes may sell his improvements to a rancher and be granted the right to re-enter for other land and the purchaser may apply for a lease of the abandoned homestead.

(5) Should the Inspector of Ranches on making examination of a tract of land applied for find that owing to conflicting interests in the lands, the granting of a lease to the applicant, or any other person, would be an injustice to others who had been using the lands, and that it would be impracticable to make a satisfactory division of the lands affected among the interested persons, such lands, if unfit for agricultural purposes, may be withdrawn from entry and reserved for public grazing purposes.

(6) The lessee shall, within each of the three years from the date of the lease, place upon the tract of land leased not less than one-third of the whole number of stock which is required to be placed upon the leasehold, namely, one head of cattle, or five head of sheep, for every thirty acres of land covered by the lease, and shall,

during the rest of its term, maintain stock thereon in that proportion. If upon inspection by an officer of the Department it is found that the leasehold will support more stock than the number stated herein the Minister may require the lessee to place additional stock on the lands.

(7) It is required that at least twenty-five per cent of the stock maintained on any leasehold shall be breeding stock.

(8) The lessee shall, within one year from the date of execution of the lease on behalf of the Department, furnish a statutory declaration showing that he is the owner of and has the required number of stock on the leasehold, and non-compliance with this requirement shall render his lease subject to summary cancellation. The lessee will be required, thereafter, to furnish a sworn return to the Department on the 1st of July, in each year, and at such other times as the Minister may decide, showing the number of head of stock on the leasehold.

(9) The lessee shall be required to enclose his leasehold by a suitable fence.

(10) The lessee shall pay an annual rental at the rate of 2 cents per acre for every acre covered by the lease, payable half-yearly in advance.

(11) Before an application can be granted, it will be necessary for the applicant to post up notices of his application in at least four different conspicuous places on the lands applied for, and also in the nearest post office, for thirty days, and make a statutory declaration of having done so. The necessary forms will be supplied by the Department. A report shall also be obtained by the Department from the Inspector of Ranches, or such other officer as may be authorized to make the inspection, that the lands applied for, upon examination, are found unfit for agricultural purposes.

(12) Upon the expiration of the term of the lease, should the Minister of the Interior decide to re-lease the lands covered, the holder of the lease shall have the prior right to a renewal lease on complying with these regulations.

(13) A lease cannot be assigned without the consent of the Minister, but in no case shall an assignment be allowed unless the lessee has complied with Clause (6) of these regulations by placing upon the leasehold not less than one-third of the whole number of the stock which is required to be placed thereon, and has furnished a statutory declaration showing that he has done so and that the said stock is owned by him.

(14) The holder of a lease acquired under regulations prior to the coming into force of these regulations, provided his lease has at least ten years to run, may relinquish his lease and acquire one under these regulations on the condition that the lands affected, upon inspection by an officer of the Department, are found unfit for agricultural purposes. In the event of his leasehold comprising more than 12,000 acres, this will not operate against the exchange, but he shall not be permitted to acquire any additional territory under lease.

(15) The lessee of four sections or more ~~may~~ construct buildings and corrals, and make other improvements on a half-section of his leasehold, but shall not be deemed to have any vested rights in such lands, but in the improvements only. In the event of the principle of leasing being abandoned, the lessee shall have the prior right to purchase the half-section on which his improvements are located at not less than \$3 per acre.

(16) The lessee may graze sheep on his leasehold, provided the sheep are confined within a sheep-tight fence.

(17) The lessee shall be entitled to the hay on his leasehold, but shall not be permitted to sell or barter the same.

(18) The frontage of a leasehold on a lake, river or creek, shall not exceed one mile for every four miles in depth.

(19) The lessee may cultivate any portion of his leasehold for the purpose of growing winter feed for his stock, but shall not have the right to dispose of any such feed by barter or sale.

(20) Leases shall be issued subject to the right of the province to take for road purposes, without compensation to the lessee, such land as may be required, not exceeding two and one-half per centum of the total area, provided the value of any improvements found on the land so required for road purposes shall be paid for by the said province, the said value to be fixed by the Minister of the Interior.

(21) The lease shall be in such form and shall contain such provisions, not inconsistent with these regulations, as may be determined by the Minister.

(22) The lease shall be subject to cancellation upon the failure of the lessee to fulfil any of the conditions thereof.

(23) If a lease has been secured by misrepresentation of any material facts, it may be summarily cancelled.

(24) The word "cattle" means bulls, oxen, cows and horses at least one year old.

GRAZING PERMITS ON SCHOOL LANDS.

In place of leases of school lands for grazing purposes heretofore issued, grazing permits are now issued.

These permits are subject to the payment in advance of rental at the rate of six cents per acre for school lands in the province of Manitoba, and four cents per acre for school lands in the provinces of Saskatchewan and Alberta, and also to the filing by the applicant with his application of a satisfactory statutory declaration as to the number of stock he owns and would graze on the land.

The permit only covers one year, or portion of a year, and expires on the first of April next succeeding the date of issue. The permittee has the prior right to a renewal of the same from year to year until such time as the Department may see fit to dispose of the land otherwise, but the application for renewal must be made not later than the first day of the month of February next preceding the termination of the permit and must be accompanied by the rental for the next year.

The permit is subject to the right of the Department to offer the land for sale by public auction at any time during its currency, and should the land be sold the permit will thereupon become inoperative, but the permittee will have the right to remove any fencing he may have on the land.

No buildings shall be erected on the land covered by the permit except such temporary structures as may be necessary for the shelter and protection of the stock, nor shall any portion of the land be broken or cultivated.

The permittee is entitled on payment to the agent of an office fee of fifty cents to obtain a free permit to cut on the land whatever hay he requires for the use of his own stock, but not for barter or sale.

REGULATIONS

For the Administration of Grazing Lands in the Kamloops Division of the Railway Belt in British Columbia.

(Approved by Order in Council of the 13th May, 1910.)

NOTE.—The Kamloops division comprises all that portion of the railway belt bounded on the east by the west boundary of townships 17, 18 and 19, range 11, the west boundary of township 20, range 12, and the west boundary of townships 21, 22, 23, 24 and 25, range 13, west of the 6th meridian and on the west by the north boundary of the townships numbered 10 in ranges 22 to 29 inclusive, west of the 6th meridian.

1. In the Kamloops division of the railway belt of British Columbia, leases for grazing purposes of lands suitable for grazing but not suitable for agriculture, may be granted by the Minister of the Interior, after inspection by an officer of the Department, for a period not exceeding twenty-one years.

2. A grazing lease may be granted to an applicant provided he is the actual owner of stock, for an area of land at the rate of sixty acres for each head of stock of which the applicant is the owner at the time of application, but no applicant shall be permitted to hold under lease by original application or by assignment more than a total area of 25,000 acres of Dominion lands. A statutory declaration shall be furnished as to the number of stock owned by the applicant at time of application to be placed on the leasehold.

3. An applicant shall be required before issue of lease to have posted up notice for thirty days in at least four different and conspicuous places on the lands applied for and in the post office nearest thereto, and to furnish a statutory declaration that he has done so, such notice to set forth that he has made application for a grazing lease and to describe the lands applied for.

4. In surveyed territory the land to be embraced by the lease shall be described by township and sections. In unsurveyed territory a description of the tract applied for may be given by metes and bounds sufficiently definite to admit of the location of the tract being shown in the records of the Department, or, if required by the Minister, either before or after the issue of the lease, the applicant shall cause a survey of the tract to be made at his own expense by a Dominion land surveyor, under instructions from the Surveyor General, and the plan and field notes of such survey shall be deposited on record in the Department of the Interior.

5. The lessee shall pay an annual rental at the rate of two cents for every acre covered by the lease.

6. The lessee shall during each of the first three years from the date of the lease, place upon the tract leased not less than one head of stock owned by him for every sixty (60) acres of land included in the lease, and shall thereafter during each remaining year of the term of lease maintain on the tract leased one head of stock for every twenty (20) acres of land included in the lease.

Stock means horses, cows, oxen and bulls at least one year old.

The lessee shall, on the 1st day of July in each year or as otherwise required by the Minister, furnish returns of the number of stock owned by him and placed upon the leasehold.

7. Every lease shall be subject to the condition that the whole or any parts of the lands leased may be disposed of under homestead entry without notice to the lessee or withdrawn without notice to the lessee in the event of any such lands being disposed of under sale of agreement to sell, and the lease shall thereupon become void in respect of the land so entered for or sold.

8. Every lease shall be subject to the condition that the Minister may at any time during the term of the lease give the lessee notice of the cancellation thereof, in whole or in part, and at the expiration of two years from the date of such notice the lease shall so cease and determine.

9. Every lease shall be subject to the condition that, until roads have been located or constructed, the lessee shall not have the right to close off or fence in or otherwise interfere with the use of any existing or necessary trails through the lands leased, and to the further condition that a convenient right of way not exceeding sixty-six (66) feet in width shall be and is hereby reserved for the use of settlers, landholders or others, in passing to and from their locations or lands; provided always that such settler or landholder or other person shall not damage the property of the lessee, and provided that in the event of any dispute arising as to the use of such trail or right of way, the decision of the Minister shall be final.

10. If any of the lands leased produce hay, the lessee is not entitled to use, sell or barter the same, but the lessee may, upon applying to the agent of Dominion lands in whose district the land is situated, obtain, in accordance with the regulations in that behalf, the first permit free of dues, to cut so much of the hay as the lessee actually requires for the use of his own stock, provided the rental of the leasehold has been paid. The agent may then issue permits to other applicants and the permittees will be entitled to enter upon that leasehold to cut and remove the quantity of hay specified in their permits, subject, however, to such conditions as the Minister may think proper for the protection of the lessee.

11. The lessee will not be entitled to break or crop any portion of the leasehold, but the Minister may grant a lessee of grazing lands permission to cultivate and crop such portions of his leasehold as may be considered necessary for the growing of fodder for his stock, provided, however, that no such permission shall be granted

for the raising of crops for any other purpose ~~than~~ providing fodder for the stock owned by the lessee, and that the lessee shall not dispose of any fodder so raised by barter or sale without the consent of the Minister.

12. The lease shall be in such form and shall contain such provisions not inconsistent with these regulations as may be determined by the Minister.

13. If a lease is secured by misrepresentation as to the ownership of the stock or other material facts, it may be summarily cancelled.

14. Failure to place or maintain the required number of stock upon the land leased or to fulfil any other condition of the lease, shall subject the lessee to forfeiture thereof in whole or in part without notice.

15. Whether he be a lessee or not, no person shall be allowed to place sheep upon Dominion lands in the railway belt without permission in writing being first obtained from the Minister.

16. A lessee of grazing lands shall not be permitted to homestead land which is open to entry, but situate within any tract leased to another for grazing purposes.

17. Orders in Council of 4th June, 1904, 5th July, 1914, and 4th September, 1908, respecting grazing land in the railway belt of British Columbia, are hereby rescinded.

18. "Minister" means the Minister of the Interior.

